IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8469 OF 2005

The Government of Maharashtra ..Petitioner

Vs.

Shri Dattatraya Sundardas Bairagi ..Respondent

Mr. S.K. Chinchalikar, AGP for Petitioner.

CORAM: B.H. MARLAPALLE & NARESH H. PATIL,JJ.

Date : October 10, 2006.

P.C.:

1. We have heard the learned AGP and we are satisfied that the Judgment and Order impugned in this petition and rendered by the Maharashtra Administrative Tribunal does not call for any interference. The Tribunal noted that the respondent was promoted to the post of Deputy Engineer in 1984 and the Tribunal also perused the record of the Departmental Promotion Committee from the year 1981 to 1986 as well as for the subsequent years. The

Department had contended that the respondent i.e. the original applicant before the Tribunal had produced his caste certificate on 3/10/1989 as belonging to V.J.N.T. This itself cannot be a reason for the State Authorities to deny seniority in the post of Deputy Engineer to the respondent from the date of his initial promotion to the said post on par with all other promotees without entering his name in the seniority list. It was noted by the Tribunal that his juniors were promoted to the post of Executive Engineer and, therefore, O.A. No.102 of 2004 came to be allowed by the Division Bench of the Tribunal directing the petitioners to fix the seniority of the applicant taking into consideration the date of his promotion to the post of Deputy Engineer i.e. 1/4/1985 on which date he joined the said post. The petitioners have been further directed to consider applicant-respondent for promotion to the post of Executive Engineer keeping in mind his seniority and also the date on which his juniors were promoted, if he is found fit on the basis of seniority-cum-merit. There is no ground made out to prima facie show that the decision of the Tribunal suffers from any errors

apparent on the face of the record.

2. Hence, the petition is rejected summarily.

(Naresh H. Patil, J.) **(B.H. Marlapalle,J.)**